

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION**

JOYCE G. SLOAN,

Plaintiff,

v.

JULIE AYERS NORMAN

Defendant.

)
)
)
)
)
)
)
)
)
)

Case No. 4:18-cv-00049

**PLAINTIFF'S MEMORANDUM IN OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT**

For her Memorandum in Opposition to the Defendant's Motion for Summary Judgment, the plaintiff states as follows:

Introduction

Plaintiff Joyce Sloan suffered catastrophic injuries arising from a motor vehicle accident on June 9, 2017 at about 5:25 p.m.

Ms. Sloan alleges she was southbound on US 220, about 1/10 of a mile north of the intersection with Route 688 in Henry County, Virginia. She was in the left travel lane when she was struck from behind. The force of the collision sent her to the right shoulder of the road where she lost control in the loose gravel and came back into and struck the car of the defendant.

Ms. Sloan testified she could not identify the vehicle that struck her from behind. That said, there were only two vehicles in her vicinity, a tractor trailer driven by Michael Deaton, who signed a declaration attached to the defendant's motion for summary judgment. He indicated he was 200 to 300 feet behind the parties and what he saw was only that part where the Cherokee ran off the road to the right, over-correct, and come

back onto the road where it struck the Saturn Outlook in the left lane. His declaration does not address whether or not he saw what, if anything, precipitated the plaintiff's vehicle going off the road.

Further, his declaration indicates that he saw the Saturn Outlook (driven by the defendant), and the Jeep Cherokee in adjacent lanes.

The defendant denies striking or hitting the plaintiff's vehicle prior to it going to the right shoulder of the roadway.

For the reasons set forth herein, the plaintiff contends there is a genuine issue of material fact for a jury to decide.

Standard of Review for Summary Judgment

In the Fourth Circuit, summary judgment "is appropriate only where there is no genuine issue of material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). See also *Reyazuddin v. Montgomery Cty., Maryland*, 789 F.3d 407, 413 (4th Cir. 2015). The trial court must assess whether "there are any genuine factual issues that properly can be resolved only by a finder of fact because they may reasonably be resolved in favor of either party." *Id.* (quoting *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 250 (1986)). Thus, "[s]ummary judgment is appropriate only if taking the evidence and all reasonable inferences drawn therefrom in the light most favorable to the nonmoving party, 'no material facts are disputed and the moving party is entitled to judgment as a matter of law (emphasis mine). *Henry v. Purnell*, 652 F.3d 524, 531 (4th Cir. 2011) (*en banc*) quoting *Ausherman v. Bank of Am. Corp.*, 532 F.3d 896, 899 (4th Cir. 2003)). This Court must view all evidence in the light most favorable to plaintiff Joyce Sloan as the non-moving party, with all reasonable inferences drawn in her favor.

See *Reyazuddin, supra*, 789 F.3d at 413 (citations omitted). In addition, the Court “cannot weigh the evidence or make credibility determinations.” *Id.* (citations omitted).

Argument

The critical question in the instant case is whether the facts alleged are capable of an inference in favor of the plaintiff that the defendant was the most likely vehicle to strike the plaintiff and send her vehicle to the right shoulder of the roadway.

It would not seem to be unusual for a vehicle struck in the rear or rear-side to not know exactly what/which car struck them. What is true by inference, based on the defendant’s deposition testimony and the declaration of Mr. Deaton, is that the defendant was the only vehicle in close proximity to the plaintiff when the plaintiff alleges she was struck and pushed to the right shoulder.

The defendant’s own testimony is that she intended to change lanes from the left to right, and signaled to move over (Norman, 7-12). Ms. Norman indicated she did not know what car sounded its horn (Norman, 8-8), but she did see Ms. Sloan’s vehicle come up on her right hand side (Norman, 8-12). She further stated that based on her driving experience she would assume that Ms. Sloan’s car was the one who beeped her horn (Norman, 11-1).

So we are left with the facts that Ms. Sloan alleges she was struck from behind or from the rear side by another vehicle. The only vehicle, by inference, in position to do this would be the defendant’s. There is a dispute of fact as to whether or not the two vehicles made physical contact before Ms. Sloan’s vehicle went over to the right shoulder. That would seem to be a fact for a jury to decide. At this stage of the proceeding, Ms. Sloan is entitled to have every inference decided in her favor.

Conclusion

While the plaintiff cannot from her own recollection, state whether Ms. Norman's vehicle was the one that struck her from behind, there are sufficient facts from which a fact-finder could reasonably conclude that Ms. Norman's vehicle was in close proximity to the plaintiff, that she intended to move to the right, signaled to move to the right, and that a vehicle sounded its horn. That Ms. Sloan's vehicle was, in the experience of Ms. Norman, most likely the vehicle that sounded its horn. There are enough factual inferences that the Court should allow a jury to decide the factual issue of whether or not the two vehicles made physical contact prior to the plaintiff's vehicle going over to the right shoulder of the road.

For the reasons set forth herein, plaintiff Joyce Sloan respectfully requests the Court deny the defendant's Motion for Summary Judgment, and permit her to present her case to a jury.

Respectfully submitted,

Joyce Sloan

/s/ John F. Pyle
Counsel

John F. Pyle (VSB 27696)
Crandall & Katt
366 Elm Avenue, SW
Roanoke, Virginia 24016
Telephone: 540-342-2000
Facsimile: 540-345-
jpyle@crandalllaw.com

Counsel for plaintiff.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Plaintiff's Memorandum in Opposition to Defendant's Motion for Summary Judgment was delivered to the Clerk of Court via the Court's CM/ECF system, which will provide a Notice of Electronic Filing (NEF) to counsel of record, this 15th day of April, 2019.

/s/John F. Pyle

JOYCE G. SLOAN
VS
JULIE AYERS NORMAN

Deposition of
Joyce Sloan
February 26, 2019



Statewide Coverage in Virginia

National and International Scheduling

590 Neff Avenue, Suite 2000
Harrisonburg, VA 22801
(540) 801-0288

1020 Ednam Center, Suite 002
Charlottesville, VA 22903
(434) 296-3111

205 34th Street, #1601
Virginia Beach, VA 23452
(757) 227-4241

February 26, 2019

1 VIRGINIA:

2 IN THE UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF VIRGINIA
4 DANVILLE DIVISION

5 JOYCE G. SLOAN,

6 Plaintiff,

7 -vs-

Case No.:

CV-00049

8 JULIE AYERS NORMAN,

9 Defendants.

10

ORIGINAL

11

12

13

DEPOSITION OF JOYCE GREER SLOAN

14

15

February 26, 2019

16

10:13 a.m.

17

Danville, Virginia

18

19

20

21

22

23

24

25

Reported by: WENDY J. PULLIUM, RPR

Hart

www.hartreporting.com

Toll Free

scheduling@hartreporting.com

(877) 907-4278

1 It is stipulated by and between the Parties and
2 their respective attorneys that the deposition of Joyce
3 Greer Sloan may be taken and transcribed by and before
4 Wendy J. Pullium, Court Reporter and Notary Public in and
5 for the Commonwealth of Virginia at Large, pursuant to the
6 Federal Rules of Civil Procedure, and by Notice to take
7 depositions; commencing on February 26, 2019, 10:13 a.m.,
8 at Danville Juvenile & Domestic Relations Court, 401
9 Patton Street, Danville, Virginia 24543-3300.

10

11 Appearing on Behalf of the Plaintiff:

12 CRANDALL & KATT, PLC
13 BY: John F. Pyle, Esquire
14 366 Elm Avenue, S.W.
15 Roanoke, Virginia 24016

14

15 Appearing on Behalf of the Defendant:

16 GLENN ROBINSON CATHEY MEMMER & SKAFF, PLC
17 BY: Johneal M. White, Esquire
18 400 Salem Avenue S.W., Suite 100
19 Roanoke, Virginia 24016

18

19 ALSO PRESENT: Julie Ayers Norman

20

21

22

23

24

25

1 A. Very much so.

2 Q. What date did it happen on?

3 A. June the 9th, 2017.

4 Q. What time of day did it happen?

5 A. 5:30ish maybe. 5:00 to 6:00 maybe.

6 Q. In the evening?

7 A. Yes.

8 Q. Was it still light outside?

9 A. Yes.

10 Q. What were the weather conditions like?

11 A. Very good.

12 Q. Clear?

13 A. Yes.

14 Q. Roads were dry?

15 A. Yes.

16 Q. It wasn't raining?

17 A. No.

18 Q. Where were you coming from?

19 A. Home.

20 Q. In Rocky Mount?

21 A. Yes, ma'am.

22 Q. Where were you headed?

23 A. To my mother's for a couple of weeks.

24 Q. Where does she live?

25 A. King, North Carolina.

1 Q. King?

2 A. Yes.

3 Q. And what's her name?

4 A. Well, she passed while I was in the hospital.
5 Mary Frances Fields.

6 Q. What kind of vehicle were you driving at the
7 time of the accident?

8 A. '99 Jeep.

9 Q. What color was it?

10 A. What -- excuse me?

11 Q. What color was it?

12 A. White.

13 Q. How long had you had that Jeep?

14 A. That was -- I am going to speculate eight
15 years.

16 Q. So you bought it used?

17 A. My daughter gave me that Jeep. She bought a
18 new car, and she gave me that Jeep.

19 Q. And it was a Jeep Cherokee?

20 A. Yes, Laredo.

21 Q. What road did the accident happen on?

22 A. It was Ridgeway, 220 Business.

23 Q. And about what time had you left your house?

24 A. Well, from the time it took me to get from my
25 house to there. I stopped and got gas.

1 Q. Do you know where you stopped and got gas?

2 A. Wilco in Bassett Forks.

3 Q. And no one else was in your vehicle with you
4 at the time?

5 A. No.

6 Excuse me, I say Bassett Forks, and it may
7 not have been. I want to think it was, but I'm not
8 positive about that.

9 Q. But you feel confident you did stop to get
10 gas?

11 A. I did stop and get gas.

12 Q. Are there any landmarks near where the
13 accident happened?

14 A. Well, I know the area very good. I have
15 driven it most of my life. As a matter of fact, we have a
16 place in Walnut Cove. My daughter's lived there since she
17 got out of college. Well, lived in the North Carolina
18 area.

19

20 MR. PYLE: The question was: Do you know of
21 any landmarks near the accident?

22 THE WITNESS: Do I know of any landmarks?
23 Clarence's Steakhouse.

24

25

1 BY MS. WHITE: (Continuing)

2 Q. Okay.

3 A. That's before the accident.

4 Q. So you -- you had passed Clarence's --

5 A. Yes.

6 Q. -- Steakhouse?

7 A. Yes, ma'am.

8 Q. How far is Clarence's Steakhouse from where
9 the accident happened?

10 A. I will have to say a few miles. I'm not
11 positive.

12 Q. And the section of 220 where the accident
13 happened is two lanes headed southbound; is that correct?

14 A. Two lanes, but, you know, there are extra
15 lanes for turning and stuff like that.

16 Q. Okay. Well, how many lanes were there in the
17 area where the accident happened?

18 A. Two.

19 Q. And do you recall what lane you were in just
20 prior to the accident happening?

21 A. The left.

22 Q. How long had you been in the left lane?

23 A. I'm going to speculate. The tractor-trailers
24 that I passed -- 10 to 15 minutes. I'm speculating
25 because I'm not positive about the time. They were in

1 different areas.

2 Q. Okay. So you had passed some
3 tractor-trailers --

4 A. (Witness nods head.)

5 Q. -- on 220 before the accident happened?

6 A. Yes.

7 Q. How long before the accident happened did you
8 pass those tractor-trailers?

9 A. I don't know.

10 Q. Was one of those tractor-trailers hauling
11 cars?

12 A. I don't know. I -- I just don't know.

13 Q. And since you passed those tractor-trailers,
14 you were in the left lane the entire time?

15 A. I was.

16 Q. Okay. Never got back over into the right
17 lane prior to the accident --

18 A. It wasn't --

19 Q. Sorry, ma'am, you just have to wait for me to
20 finish, so --

21 A. Oh, I'm sorry.

22 Q. Do you ever get back into the right lane
23 after passing the tractor-trailers before the accident
24 happened?

25 A. No, because it wasn't clear enough. I always

1 wait until it's clear.

2 Q. Okay. So there was traffic in the right
3 lane?

4 A. There was traffic everywhere. That is a very
5 bad area for traffic.

6 Q. So was traffic heavy that day?

7 A. Heavy. Work traffic.

8 Q. What was the speed limit in that area?

9 A. It's 35 in some areas, 45 in some areas, and
10 I'm speculating I was probably getting close to the 55.
11 And I don't know that I had gotten to the 55 speed limit
12 yet or not. But I know you start out 35. There's a
13 school in that area. Then you go to 45, and then it goes
14 into 55 the further on you get down the road.

15 Q. Do you know how fast you were going right
16 before the accident happened?

17 A. I would say I was going probably at the most
18 45.

19 Q. And why do you say that?

20 A. Because it is so congested that that road
21 terrifies me. The tractor-trailers terrify me. As a
22 matter of fact, I can't see good over them, and I can't --
23 the diesel smell from them, that's why I always -- when I
24 know there are stoplights, I always go around the
25 tractor-trailers and try to stay in that lane until I can

1 get back in front of them.

2 So that's why I passed the tractor-trailers
3 and try -- and then when I'm clear to get back over in the
4 lane, the right lane, which I normally drive in, that's
5 when I get in the right lane. And it wasn't clear for me
6 to get in the right lane.

7 Q. So do you know -- do you know for a fact you
8 were going about 45?

9 A. Not for a fact, because I wasn't looking at
10 the odometer (sic).

11 Q. Okay. So fair to say --

12 A. That's what I normally drive in that area
13 depending on where I am and what I know the speed limit is
14 without looking at signs.

15 Q. Okay. So fair to say you don't know what
16 your speed was prior to the accident?

17 A. I don't -- I cannot say positive.

18 Q. What do you recall about how the accident
19 happened?

20 A. I recall driving down the road thinking it
21 was such a beautiful day and bam. And then -- do you want
22 me to go on?

23 Q. Yeah.

24 A. Okay. And bam. And I am going over into the
25 right. I am terrified that there may be vehicles there,

1 because I keep my eyes on the road. Not knowing, I go
2 over the right, hit some gravels. I get prepared. I said
3 I've got to keep this car in the road. I get prepared to
4 keep my car in the road, and it is going every which way,
5 and then I am out.

6 Q. Okay.

7 A. There was no keeping my car in the road.

8 Q. Okay. So you're in the left lane and bam?

9 A. Right.

10 Q. What is bam?

11 A. Bam is something hit me.

12 Q. Okay. Do you know what that was?

13 A. I'm assuming a car.

14 Q. Okay. Do you have any actual memory of what
15 hit you?

16 A. I have a memory of the hit. I had -- it was
17 unforeseen.

18 Q. What part of your vehicle was hit?

19 A. The right side rear.

20 Q. So the passenger's side rear was hit?

21 A. Side rear, yes. Not in the tail end, the
22 side rear.

23 Q. Okay. On the passenger's side in the rear --

24 A. Right.

25 Q. -- sort of quarter panel?

1 A. Sort of from the back door back.

2 Q. Okay. But you don't know what hit you?

3 A. No.

4 Q. You --

5 A. Because it was unforeseen. There was no
6 accident scene.

7 And I watch all mirrors, so I have no idea
8 where it came from.

9 Q. Okay. So you did not observe Ms. Norman's
10 vehicle hit you?

11 A. Absolutely I did not observe any vehicle
12 about to hit me or near me that I thought was going --
13 there was going to be an accident.

14 Q. When you were driving in the left lane, was
15 your attention focused forward at that time?

16 A. My attention is always focused on the road
17 and all the surrounding vehicles.

18 Q. Okay. Where do you think your attention --
19 the -- most of your attention was focused?

20 A. After I was hit?

21 Q. No, before you were hit as you're --

22 A. Before I was hit?

23 Q. As you were driving down the road.

24 A. On the road.

25 Q. Okay. In front of you?

1 A. On all the vehicles. In front of me, beside
2 me and behind me.

3 Q. Was your next move, were you wanting to get
4 over into the right lane if possible?

5 A. I knew when I was going to be able to get
6 into the right lane as, too, there was a tractor-trailer
7 that -- if you have video of the stoplights, you'll
8 probably have video of what was at the stoplights because
9 they catch up with you, and that was the last stoplight
10 before the accident.

11 So the tractor-trailers will catch up with
12 you when you think you're going to get to go around them
13 sooner. And I am terrified of tractor-trailers, which
14 I'm -- I have driven 50-some years and never had an
15 accident in my life, so therefore, like I say, I want to
16 make sure it's clear before I'm going to try to move
17 around, and especially, there again, with the traffic.

18 Q. Was your next move, were you wanting to get
19 over into --

20 A. Right.

21 Q. -- the right lane?

22 A. Yes, but not before my time.

23 Q. Okay. Did you ever see Ms. Norman's vehicle
24 prior to the accident?

25 A. No, ma'am.

1 Q. Was it ever in front of you that you recall?

2 A. No, ma'am.

3 Q. Do you ever recall looking in your mirrors
4 and seeing her behind you?

5 A. No, ma'am.

6 Q. So after the bam and the impact, what
7 happened to your vehicle then?

8 A. Well, I black -- evidently I got knocked out.
9 I woke up, and I was in a ditch, and there was a guy at my
10 window. And I -- well, actually I woke up. I see my cell
11 phone in the charger.

12 You asked what happened after? That was the
13 question?

14 Q. After the bam.

15 A. After the bam?

16 Well, after the bam I woke up.

17 Q. Okay. So do you have any memory from --
18 between the bam and waking up?

19 A. Well, I have memory of trying to keep the car
20 in the road --

21 Q. Okay.

22 A. -- after the bam.

23 Q. Okay. So then after the bam where was your
24 vehicle in the road?

25 A. Everywhere.

1 Q. Okay. Did it go off the right side of the
2 road?

3 A. It went off the right side just in the
4 gravels.

5 Q. I'll show you what we'll mark as Exhibit 1 to
6 your deposition. Is that -- were those marks, do you
7 think, made by your vehicle going off the right side of
8 the road?

9 A. I wouldn't think so, because I kind of just
10 went off the road. I -- there was not braking. Just -- I
11 don't even see any gravels. I thought I heard gravels.

12 Q. Well, if you look in this grass patch there,
13 that may be a tire mark.

14 A. I don't think there were any tire marks as
15 far as me going off the road.

16 Q. So you don't recall hitting your brakes at
17 all?

18 A. No. I recall just trying to keep my car in
19 the road. I recall there being so many cars, how many is
20 going to get in this accident, that I was totally not
21 expecting.

22 Q. And you have been making some motions with
23 your hands?

24 A. Yes.

25 Q. Is that -- would you -- is that fair to

1 describe that as a fishtailing motion?

2 A. I just sometimes talk with my hands.

3 Q. Okay. Is that the motion your vehicle was
4 making, though?

5 A. Yeah. Oh, yes.

6 Q. Sort of swerving back and forth?

7 A. Yes. I -- I get both hands on the steering
8 wheel to brace myself, because I was trying to keep it in
9 the road. So I was just concentrating on the road and my
10 car and staying in the road. But there again, I said, God
11 with me, I can't stay in the road. And then I blacked
12 out --

13 Q. Okay.

14 A. -- or whatever happened to me.

15 Q. All right. So -- but is that the -- is that
16 the motion your vehicle was making, was sort of swerving
17 back and forth?

18 A. Not a lot. I just couldn't handle it.

19 Q. Okay. Small -- small movement back and
20 forth?

21 A. I knew there was nothing I could do.

22 Q. Okay. Was it a small movement back and
23 forth?

24 A. I don't know.

25 Q. Okay. Do you know the term "fishtailing"?

1 A. I've heard it.

2 Q. Like a fish's tail going back and forth?

3 A. I have heard it --

4 Q. Okay.

5 A. -- but I really don't know what it is with a
6 car.

7 Q. Okay. You've never -- that's never happened
8 to you before?

9 A. Well, I don't know, because I don't know what
10 it means with a car. I should, but I don't.

11 Q. And so do you -- after going off the right
12 side of the road, do you have any memory after that?

13 A. After going out -- off of the right side of
14 the road, that's the memory I just explained to you.

15 Q. Yes. Do you -- and do you remember anything
16 after that point?

17 A. Yes.

18 Q. What do you remember after that point?

19 A. I wake up from whatever happened to me. I
20 come to. You want me to continue?

21 Q. So -- we'll get there in a second.

22 A. Okay.

23 Q. So after getting -- do you remember getting
24 back onto the road -- having your entire vehicle back on
25 the road?

1 A. Once it landed in the culvert or wherever it
2 landed?

3 Q. Okay. So I think you testified correctly,
4 correct, that your vehicle went off on the right side of
5 the road into the gravel?

6 A. Right.

7 Q. Do you --

8 A. And I'm trying to keep it in the road.

9 Q. Okay. Did you ever get back fully in the
10 road?

11 A. I was out of the gravel. I was doing this,
12 and then I am out.

13 Q. Okay.

14 A. Then I wake up in a culvert.

15 Q. Okay. So you do remember getting out of the
16 gravel?

17 A. Yes.

18 Q. Okay.

19 A. I don't mean to -- I'm just trying to talk
20 loud. I don't mean to sound ugly.

21 Q. And then your vehicle ended up -- no, it's
22 fine, I do this, it's my job -- on the left side of the
23 road?

24 A. What about the left?

25 Q. Is that where your vehicle ended up, on the

1 left side of the road?

2 A. The best of my knowledge.

3 Q. Was it -- did your vehicle end up in the
4 median?

5 A. They tell me it's the median. I don't know.

6 Q. Who told you that?

7 A. Everybody that's told me, your car was --
8 your car rolled twice and you was here. And I want to say
9 they said median.

10 Q. Do you have a memory of your car rolling?

11 A. No. Thank God. The Lord took that away.

12 Q. Who has told you that your car rolled?

13 A. The -- anybody that was -- the people that
14 was there, the -- my husband that talked to the people
15 that was there.

16 Q. So your husband has told you that your
17 vehicle rolled?

18 A. Yes.

19 Q. And is that based upon what people at the
20 scene told him?

21 A. Well, the state trooper told him.

22 Q. Okay.

23 A. Plus he knows cars very well, so he knew.

24 Q. Anyone else whose name you know who has told
25 you that your vehicle rolled?

1 A. My son also talked to the police officer. As
2 a matter of fact, I think they said it rolled twice.

3 Q. And is that information your son got from the
4 trooper?

5 A. Yes. The best of my knowledge.

6 Q. Anyone else you know who has said that your
7 car rolled?

8 A. Not that I can recall.

9 Q. So you remember waking up?

10 A. Yes.

11 Q. And I think you were starting to tell me
12 about seeing your cell phone?

13 A. Yes.

14 Q. And did you make a phone call?

15 A. Yes.

16 Q. Who did you call?

17 A. My husband.

18 Q. What was his phone number?

19 A. I have it in my -- I just have a flip phone.
20 I have it in there. I was able to pull up his name. I
21 just pushed that little button, and it pulls up his name.
22 And I pushed send. I keep his number there.

23 Q. Who was your carrier at the time?

24 A. I'm not positive. I would say Verizon, but
25 I'm not positive.

1 Q. Do you know what your cell phone number was
2 at the time?

3 [REDACTED]

[REDACTED] --

5 A. No. [REDACTED].

6 Q. [REDACTED].

7 And is that a [REDACTED] number?

8 A. Yes, ma'am.

9 Q. Is the account under your name?

10 A. No.

11 Q. Under your husband's name?

12 A. Yes.

13 Q. Prior to the accident had you been on your
14 phone at all?

15 A. When I was getting gas my daughter had text
16 me to see if I was okay just as in traveling to Carolina,
17 because she lives there. I text her back at the gas --
18 well, after I pumped gas, to pay. That's it.

19 I do not use a cell phone and drive. I don't
20 think anyone should.

21 Q. Do you know --

22 A. It should be against the law.

23 Q. Do you know how long before the accident that
24 was that you had that text exchange?

25 A. I don't -- I don't know.

Hart

1 She was worried about it, so she checked it
2 to make sure it wasn't while I was on the road.

3 Q. When was that?

4 A. Whenever it was all going on. I guess when I
5 was in the hospital. That's what she told me. I -- I
6 can't say that for sure. She told me that.

7 Q. Do you still have that same phone?

8 A. Yeah.

9 Q. Do you have that --

10 A. I think it's -- I'm not sure if I have the
11 same phone or not. I have the same phone number.

12 Q. Do you still have that text exchange?

13 A. I can't say.

14 Q. What kind of phone is it?

15 A. It's just a Verizon flip phone. I'm not a
16 computer person.

17 Q. What did you tell your husband when you
18 called him?

19 A. Honey, I am in -- I have been in a bad
20 accident in Ridgeway. And then I dropped the phone.

21 Q. Did you tell him how the accident happened?

22 A. No. I couldn't.

23 Q. Why is that?

24 A. Well, for one, I didn't know how it happened,
25 and for two, I guess I must have went out again.

1 Q. Did he come to the scene?

2 A. Yes.

3 Q. Did you have just that one conversation with
4 him, or did you call him back?

5 A. No, I did not call him back. As a matter of
6 fact, the man told me to get off the phone.

7 Q. Someone at the scene told you?

8 A. Yes. It was a person who said he was an EMT.

9 Q. Do you know where he was an EMT with?

10 A. He was from out of state. He just saw it and
11 stopped. Was telling me what to do.

12 Q. Did you talk to the state trooper at the
13 scene?

14 A. Not to my knowledge. I did never see a state
15 trooper.

16 Q. Have you ever spoken to a state trooper?

17 A. No.

18 Q. So do you -- you don't recall telling the
19 state trooper that you didn't remember what happened in
20 the accident?

21 A. No.

22 Q. Do you know if -- apparently, your husband
23 and your son have talked to the state trooper?

24 A. I know my son did. I think my husband did,
25 apparently.

JOYCE G. SLOAN
vs
JULIE AYERS NORMAN

Deposition of
Julie Norman
February 26, 2019

Hart

**REPORTING AND
VIDEOCONFERENCING**

Advancing with Technology and Excellence

Statewide Coverage in Virginia

National and International Scheduling

590 Neff Avenue, Suite 2000
Harrisonburg, VA 22801
(540) 801-0288

1020 Ednam Center, Suite 002
Charlottesville, VA 22903
(434) 296-3111

205 34th Street, #1601
Virginia Beach, VA 23452
(757) 227-4241

February 26, 2019

1 VIRGINIA:

2 IN THE UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF VIRGINIA
4 DANVILLE DIVISION

5 JOYCE G. SLOAN,

6 Plaintiff,

7 -vs-

Case No.:

CV-00049

8 JULIE AYERS NORMAN,

9 Defendants.

ORIGINAL

10

11

12

DEPOSITION OF JULIE AYERS NORMAN

13

14

February 26, 2019

15

11:28 a.m.

16

Danville, Virginia

17

18

19

20

21

22

23

24

25

Reported by: WENDY J. PULLIUM, RPR

Hart

www.hartreporting.com

Toll Free

scheduling@hartreporting.com

(877) 907-4278

1 It is stipulated by and between the Parties and
2 their respective attorneys that the deposition of Julie
3 Ayers Norman may be taken and transcribed by and before
4 Wendy J. Pullium, Court Reporter and Notary Public in and
5 for the Commonwealth of Virginia at Large, pursuant to the
6 Federal Rules of Civil Procedure, and by Notice to take
7 depositions; commencing on February 26, 2019, 11:28 a.m.,
8 at Danville Juvenile & Domestic Relations Court, 401
9 Patton Street, Danville, Virginia 24543-3300.

10

11 Appearing on Behalf of the Plaintiff:

12 CRANDALL & KATT, PLC
13 BY: John F. Pyle, Esquire
14 366 Elm Avenue, S.W.
15 Roanoke, Virginia 24016

14

15 Appearing on Behalf of the Defendant:

16 GLENN ROBINSON CATHEY MEMMER & SKAFF, PLC
17 BY: John M. White, Esquire
18 400 Salem Avenue S.W., Suite 100
19 Roanoke, Virginia 24016

18

19 ALSO PRESENT: Joyce Greer Sloan

20

21

22

23

24

25

1 Q. Okay. Do you agree that this accident
2 occurred on Route 220 about a tenth of a mile north of the
3 intersection with Route 688 in Henry County?

4 A. Yes, sir.

5 Q. And were these the southbound lanes?

6 A. Yes, sir.

7 Q. And those are two adjacent southbound lanes?

8 A. Yes, sir.

9 Q. Just prior to the accident, which lane were
10 you in?

11 A. The left-hand lane.

12 Q. Did there come a point when -- prior to the
13 accident that you intended to change to the right lane?

14 A. Yes, sir.

15 Q. And tell me about that.

16 A. The vehicle in front of me was slowing down,
17 and I was going to attempt to get in the right-hand lane.
18 I had turned my signal on, but before I could look to see
19 in my blind spot, I heard a horn beep, so I took my turn
20 signal off and slowed down for the car in front of me.

21 Q. Was that the car that ultimately turned out
22 to be the one driven by Ms. Sloan?

23 A. No, sir.

24

25 MS. WHITE: I'm sorry, which car are we

1 talking about?

2

3 BY MR. PYLE: (Continuing)

4 Q. The car that beeped its horn that was in your
5 blind spot, did you ever identify that car?

6 A. Oh, no, sir. I do not know if that was her
7 or not.

8 Q. Okay. Do you know which car beeped its horn?

9 A. No, I do not.

10 Q. Did you at that time see the car that you
11 eventually came to realize was driven by the plaintiff?

12 A. I did see her vehicle come up on the
13 right-hand side, yes.

14 Q. Okay. Was that the vehicle that was in the
15 blind spot at some point?

16 A. I do not know.

17 Q. Okay. So you never identified what vehicle
18 was in the blind spot?

19 A. No, sir.

20 Q. Okay. Tell me when you first recall seeing
21 Ms. Sloan's vehicle.

22 A. I saw her vehicle off of the side of the road
23 on the right-hand side. I saw her trying to correct her
24 car back onto the road, and that is when she collided with
25 my driver's side front panel.

1 Q. Driver's side front panel?

2 A. I'm sorry, the passenger's side front panel.

3 Q. Okay. Do you have any knowledge or
4 information about what caused her to go over to the right
5 side of the road?

6 A. I do not.

7 Q. Okay. All right. Do you believe there was
8 any contact between her car and your car? Physical -- let
9 me rephrase that.

10 Prior to her coming from the right side of
11 the road into your passenger's side --

12 A. Uh-huh.

13 Q. -- were you aware of or have any knowledge of
14 any contact between her car and your car?

15 A. No, sir.

16 Q. When you signaled to turn and move into the
17 right lane, where was her car?

18 A. I do not know.

19 Q. Okay. Did you begin to actually move your
20 vehicle?

21 A. No, sir.

22 Q. Okay. So as far as you know, the -- simply
23 the act of turning on your signal light caused someone to
24 beep their horn?

25 A. Correct.

1 MS. WHITE: Object to the form of the
2 question.

3

4 BY MR. PYLE: (Continuing)

5 Q. When you saw Ms. Sloan's vehicle to the -- go
6 to the right side of the road, was it in front of you?
7 Adjacent to you? How would you describe that?

8 A. It was beside my car.

9 Q. Okay. Immediately beside?

10 A. Yes.

11 Q. Okay. Were there any vehicles, to your
12 knowledge, either immediately in front of or behind
13 Ms. Sloan?

14 A. I do not know.

15 Q. Was your car -- let me rephrase that.

16 Immediately prior to Ms. -- when you saw
17 Ms. Sloan's vehicle to the right side of the road, was
18 your car the closest in proximity to her that you are
19 aware of?

20 A. I am not aware of where her car was prior to
21 me seeing her.

22 Q. Okay. Based on your experience as a driver
23 and what you saw unfold in front of you, do you have
24 any -- do you have a belief as to where -- whether or not
25 her car was the one that beeped its horn?

1 A. From my prior driving knowledge, I would
2 assume she was the one who beeped the horn, but I do not
3 know.

4 Q. Okay. Were you familiar with this road?

5 A. Yes.

6 Q. How often do you drive through there?

7 A. I drove probably twice a month.

8 Q. For how long?

9 A. Forty minutes from Kernersville to Fieldale,
10 Virginia.

11 Q. Is that where you worked?

12 A. My in-laws live in Fieldale.

13 Q. Okay. What is your recollection of how
14 traffic was that day?

15 A. It was steady traffic. Not as heavy as I
16 have seen it before, but steady.

17 Q. How would you describe the road and weather
18 conditions?

19 A. It was sunny, hot, and dry roads.

20 Q. Do you recall the position of the sun that
21 day as you were driving just before the accident?

22 A. If you are driving south, it would be to the
23 left.

24 Q. Do you know or recall if you were wearing
25 sunglasses?

1 A. I was not.

2 Q. Do you recall if your visor was down?

3 A. Yes.

4 Q. Was it down?

5 A. Yes.

6 Q. The place where the accident occurred, would
7 you describe it as being straight or on a curve?

8 A. It is straight getting ready to go into a
9 curve.

10 Q. And would it be flat or on a hill?

11 A. Flat.

12 Q. To your recollection was there anything going
13 on on the side of the road or near the accident scene that
14 was in any way distracting?

15 A. No, sir.

16 Q. No construction or another car pulled over,
17 anything like that?

18 A. No, sir.

19 Q. Were you coming from your in-laws that day?

20 A. Yes, sir.

21 Q. And where were you heading?

22 A. Home to Kernersville.

23 Q. Were you the only one in the car?

24 A. Yes, sir.

25 Q. Were you due home at a particular time?

1 A. No, sir.

2 Q. Do you recall what the speed limit was there?

3 A. Fifty-five.

4 Q. And do you recall what your speed was?

5 A. I was prior going 55, but with the car
6 slowing down in front of me, I was slowing my speed as
7 well.

8 Q. The police officer wrote your speed as being
9 50 miles an hour. Did you give him that information?

10 A. No, sir.

11 Q. Do you agree this accident occurred on June
12 9th of '17?

13 A. Yes, sir.

14 Q. Do you remember what time of day?

15 A. Approximately 4:45, 5:00 o'clock.

16 Q. Is it p.m.?

17 A. Yes, sir.

18 Q. Do you remember what day of the week it was?

19 A. It was a Friday.

20 Q. Prior to the date of this accident, had you
21 ever met Trooper Dillon before?

22 A. No, sir.

23 Q. Did you talk to Trooper Dillon at the scene
24 of the accident?

25 A. Not that I'm aware of.

1 Q. Did you not talk to him?

2 A. When I was in the ambulance there was a
3 trooper that came in and got my driver's license so they
4 could pull me up, but I have not given a statement to
5 anyone.

6 Q. Did the trooper come to the hospital where
7 you went?

8 A. No, sir.

9 Q. What hospital did you go to?

10 A. Morehead.

11 Q. Did you talk to anyone at the scene?

12 A. The ambulance driver and the gentleman that
13 helped me out of the car.

14 Q. Do you know who that was?

15 A. I do not.

16 Q. Are you aware of anyone by name who was a
17 witness to the accident?

18 A. No, sir.

19 Q. The vehicle you were driving, was it a '08
20 Saturn?

21 A. Correct.

22 Q. Was it owned by you?

23 A. Yes.

24 Q. Was it the vehicle that you would regularly
25 drive at that time?

1 A. Yes, sir.

2 Q. Were you familiar with how it operated?

3 A. Yes, sir.

4 Q. Had it had any maintenance issues that day or
5 in the days before the accident?

6 A. No, sir.

7 Q. Is that vehicle equipped with any side impact
8 warnings?

9 A. No, sir.

10 Q. Are you familiar with the lights inset in the
11 mirrors that light up if someone's next to you?

12 A. Now I am, yes, sir.

13 Q. Was it equipped with that?

14 A. No, sir.

15 Q. How long had you been driving that day at the
16 time the accident took place?

17 A. I had driven home from work 5 minutes. I had
18 driven to Fieldale 40 minutes. And then leaving Fieldale
19 until the wreck.

20 Q. What was the purpose of your visit to see
21 your in-laws?

22 A. I was dropping my kids off with them for the
23 weekend.

24 Q. Oh, okay.

25 Good thing they weren't in the car on the way

1 back, though.

2 A. Correct.

3 Q. Had you had any alcoholic beverages while you
4 were at their house that day?

5 A. No, sir.

6 Q. Were you taking any prescription medications
7 at that time?

8 A. No, sir.

9 Q. Were you taking any over-the-counter
10 medications?

11 A. No, sir.

12 Q. So the only people or person you talked to at
13 the scene was the man who helped you out of the car and an
14 EMT?

15 A. Correct.

16 Q. Never spoke to Ms. Sloan?

17 A. No, sir.

18 Q. Did anyone come to the scene on your behalf
19 after the accident?

20 A. My father-in-law.

21 Q. What's his name?

22 A. Bobby Norman.

23 Q. Do you know if he talked to anyone at the
24 scene?

25 A. I know he talked to an officer to make sure I

1 had been released to be able to go to the hospital.

2 Q. Where does Mr. Norman reside?

3 A. 116 Pruitt Drive.

4 Q. P-R-U-I-T-T?

5 A. Correct.

6 Fieldale, Virginia.

7 Q. Is that in Henry County?

8 A. Yes.

9 Q. Do you know if your vehicle is equipped with
10 daytime running lights?

11 A. Yes.

12 Q. And were they on that day?

13 A. Yes.

14 Q. Were there any lights on Ms. Sloan's vehicle
15 that you recall?

16 A. I do not recall.

17 Q. Do you remember anything about the make or
18 model or color of the vehicle in the left lane that was
19 slowing down?

20 A. No, I do not.

21 Q. Were there any -- anything up on the
22 windshield of your car?

23 A. No, sir.

24 Q. Did you own a cell phone at that time?

25 A. I did.

1 Q. And did you have it in the car with you?

2 A. Yes, sir.

3 Q. Were you using it?

4 A. No, sir.

5 Q. Do you recall the last time you used it prior
6 to the accident?

7 A. Yes. I had sent a text to one of my friends
8 when I was leaving my in-laws' house to let them know I
9 was leaving.

10 Q. Who was your carrier at that time?

11 A. AT&T.

12 Q. And was the phone in your name?

13 A. Yes.

14 Q. Do you recall the number?

15 A. [REDACTED]

16 Q. Were you eating or drinking or doing anything
17 else in the car?

18 A. No, sir.

19 Q. Listening to the radio?

20 A. I was listening to the radio.

21 Q. What lane were you in when your vehicle
22 collided -- or Ms. -- the plaintiff's vehicle collided
23 with yours?

24 A. The left-hand lane.

25 Q. What did your vehicle do at that moment of

Hart

1 impact?

2 A. At the moment of impact it started to turn to
3 the left. I tried to get control of it so I wasn't
4 T-boned if there was anybody behind me. And as soon as it
5 hit the shoulder, it flipped.

6 Q. Do you have any estimate of Ms. Sloan's
7 vehicle? I'm sorry, estimate of her speed? I'm sorry.

8 A. I do not.

9 Q. Okay. Did your vehicle have a valid
10 inspection sticker at the time?

11 A. Yes, sir.

12 Q. And did you have a valid driver's license?

13 A. Yes, sir.

14 Q. You said you wear contact lenses?

15 A. Yes, sir.

16 Q. Were you wearing them on the day of the
17 accident?

18 A. Yes, sir.

19 Q. Do they help you see distance or close up?

20 A. Distance.

21 Q. Sitting here today do you have any knowledge
22 as to what might have caused Ms. Sloan's vehicle to go to
23 the right?

24 A. I do not.

25 Q. Was your vehicle totaled?

1 A. Yes.

2 Q. Did you observe Ms. Sloan get out of her
3 vehicle at all at the accident scene?

4 A. No, sir.

5 Q. Did your airbags deploy?

6 A. No, sir.

7 Q. Was it equipped with airbags?

8 A. Yes, sir.

9 Q. Have you taken any photographs of your
10 vehicle?

11 A. I have not.

12 Q. Okay. Are you aware of anyone who did?

13 A. My father-in-law did.

14 Q. And have those been provided to your counsel?

15 A. Yes, sir.

16 Q. Have you ever made any diagrams of the
17 accident scene?

18 A. No, sir.

19 Q. Have you taken any photographs of the
20 accident scene?

21 A. No, sir.

22 Q. Please don't be offended by this. I have to
23 ask.

24 Have you ever been convicted of a felony?

25 A. I have not.

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

JOYCE G. SLOAN,

Plaintiff,

v.

JULIE AYERS NORMAN

Defendant.

)
)
)
)
)
)
)
)
)
)
)


Case No. 4:18-cv-00049

DECLARATION OF JULIE NORMAN

Pursuant to 28 U.S.C. § 1746, I declare the following:

1. My name is Julie Norman, I reside at 9105 Foxlair Drive, Kernersville NC 27284
2. On the day of the accident I was driving a Saturn Outlook, the attached photo is a true and accurate depiction of the vehicle after the accident.
3. I declare under penalty of perjury that the foregoing is true and correct in accordance with 28 U.S.C. § 1746.

Executed on March 29, 2019.


Julie Norman



IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

JOYCE G. SLOAN,

Plaintiff,

v.

JULIE AYERS NORMAN

Defendant.

Case No. 4:18-cv-00049

DECLARATION OF MICHAEL DEATON

Pursuant to 28 U.S.C. § 1746, I declare the following:

1. My name is Michael Deaton, I currently reside at 1187 Lurich St, Big Sandy, TN 38224
2. I am employed as a car hauler and travel frequently for my job.
3. On June 9, 2017 I was headed southbound on Route 220 in Henry County Virginia. On that date, I observed an accident that happened between a white Jeep Cherokee and a gray Saturn Outlook.
4. I was following approximately 200-300 feet behind the Jeep Cherokee and the Saturn Outlook. I was in the right lane.
5. The Saturn Outlook was in the left lane and the Cherokee was in the right lane. I observed the Cherokee run off onto the right shoulder and over-correct and come back into the road and hit the Saturn Outlook in the left lane. Both vehicles went into the median.
6. I do not know Julie Norman or Joyce Sloan.
7. I declare under penalty of perjury that the foregoing is true and correct in accordance with 28 U.S.C. § 1746.

Executed on 3/18 (Monday), 2019.

Michael G. Deaton
Michael Deaton

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

JOYCE G. SLOAN,

Plaintiff,

v.

JULIE AYERS NORMAN

Defendant.


Case No. 4:18-cv-00049

DECLARATION OF CAROL ELIZABETH WOTRING

Pursuant to 28 U.S.C. § 1746, I declare the following:

1. My name is Carol Elizabeth Wotring, I currently reside at 1108 Mulberry Road, Martinsville, Virginia, 24112.
2. I am employed as an emergency room nurse.
3. On June 9, 2017, I was traveling northbound in the left lane on Route 220 in Henry County, Virginia.
4. I did not see the accident but did come upon it while it was occurring, observing that one vehicle was upside down on its top and the other was in midair in the median.
5. I did not know Julie Norman or Joyce Sloan prior to the accident.
7. I declare under penalty of perjury that the foregoing is true and correct in accordance with 28 U.S.C. § 1746.

Executed on March 28, 2019.


Carol Elizabeth Wotring